

National Institute of Justice

Research Report

National Assessment of the Byrne Formula Grant Program:

*Where the Money Went—
An Analysis of State Subgrant Funding Decisions
Under the Byrne Formula Grant Program*

Report 1

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PREFACE

This document is the first in a series of five reports emanating from the National Assessment of the Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program. The five reports are as follows:

1. *Where the Money Went: An Analysis of State Subgrant Funding Decisions Under the Byrne Formula Grant Program*
2. *The Anti-Drug Abuse Act of 1988: A Comparative Analysis of Legislation*
3. *State and Local Responses to the Byrne Formula Grant Program: A Seven State Study*
4. *The National Assessment of the Byrne Formula Grant Program: A Policy-Maker's Overview*
5. *The National Assessment of the Byrne Formula Grant Program: Executive Summary*

The purpose of the National Assessment has been to conduct a nation-wide examination of the federal assistance to state and local criminal justice agencies that was authorized by the 1988 Anti-Drug Abuse Act. It's general objectives are summarized by the following questions:

- How has federal funding disbursed via the formula grants of the Anti-Drug Abuse Act formula been distributed across various types of drug and crime control programs and across jurisdictions?
- What have been the consequences of the conceptual framework that the Anti-Drug Abuse legislation imposes -- i.e., its use of formula and discretionary grants, its emphasis on state planning, and so on? How do these features compare to those contained in earlier legislation, to what extent might they be open to change, and with what possible effects?
- How has the complex of federal efforts undertaken as a result of the Anti-Drug Abuse Act -- formula and discretionary grants, training, technical assistance, research, evaluation, and so on -- affected state and local activities in criminal justice and drug control?

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This document -- *Where the Money Went* -- focuses on the first issue.; the *Comparative Legislative Review* focuses on the second; and the *Seven State Study* focuses on the third.

Where the Money Went is an analysis of state funding decisions that is geographically and longitudinally comprehensive. It utilizes the Bureau of Justice Assistance in-house data base on individual subgrants, known as the Individual Project Reporting system. This data set, though not without limitations, is the best national-level statement of the projects that the formula grant program has supported since its inception. The report analyzes the state-by-state allocation of funds across different purpose areas, and considers the relationship between funding allocation patterns and type of recipient -- by, for example, calculating how much federal aid has gone to state, county and city governments. It also looks at changes over time in the proportion of annual appropriations that are directed by states to different kinds of activities - enforcement, prevention, treatment, and so on.

The *Comparative Legislative Review* focuses entirely on the federal level, and examines the criminal justice component of the legislation. Other block grant programs (HHS, DOE) are introduced for illustrative purposes. A longitudinal analysis of criminal justice grants-in-aid is provided, with particular emphasis on the Safe Streets Act of 1968, and the resulting activities conducted by the Law Enforcement Assistance Administration. This helps to establish a framework for documenting some of the strengths and weaknesses of the current authorizing legislation for federal criminal justice assistance, and for assessing the extent to which successful elements of other models might be incorporated into future anti-drug crime programs.

The third component of the research is reported in the document subtitled *A Seven State Review*. There we look at the way in which seven states and a small number of their subgrantees have responded to the provisions of the 1988 Act. In particular, we consider the influence on state and local anti-drug abuse efforts of federal evaluation, training and technical assistance, and the discretionary and formula grant programs. The approach used was a multiple case study approach that utilized several units of analysis. Thus,

research was conducted in these particular seven states not with a view to evaluating their individual performances, but rather to use their experiences and views as a foundation for general conclusions about the formula grant program as a whole.

Each of these three reports can be considered preparatory for the fourth, which is the general policy document of the study. That report - *The National Assessment Overview* - synthesizes the contents of the first three, and brings together, in summary form, all work done to date. It also adds a set of policy observations and recommendations about the primary areas of concern in federal criminal justice assistance. An *Executive Summary* of the Policy Overview report highlights the main findings of the Overview.

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ACKNOWLEDGMENTS

This report draws heavily on data generated and maintained by the Bureau of Justice Assistance. As the work has progressed, we have been dependent upon BJA and its staff for access to the data and for fulfillment of numerous requests for updates and interpretation. The cooperation extended to us has been unstinting throughout and we thank BJA for that. We are particularly indebted to Bob Kirchner and to staff from the State and Local Assistance Division of the Bureau for the support and assistance they have provided.

We nevertheless stress that decisions about the analysis, presentation, and interpretation of the information that BJA has given were made by us alone, and that we bear the responsibility for any deficiencies and errors that the report contains.

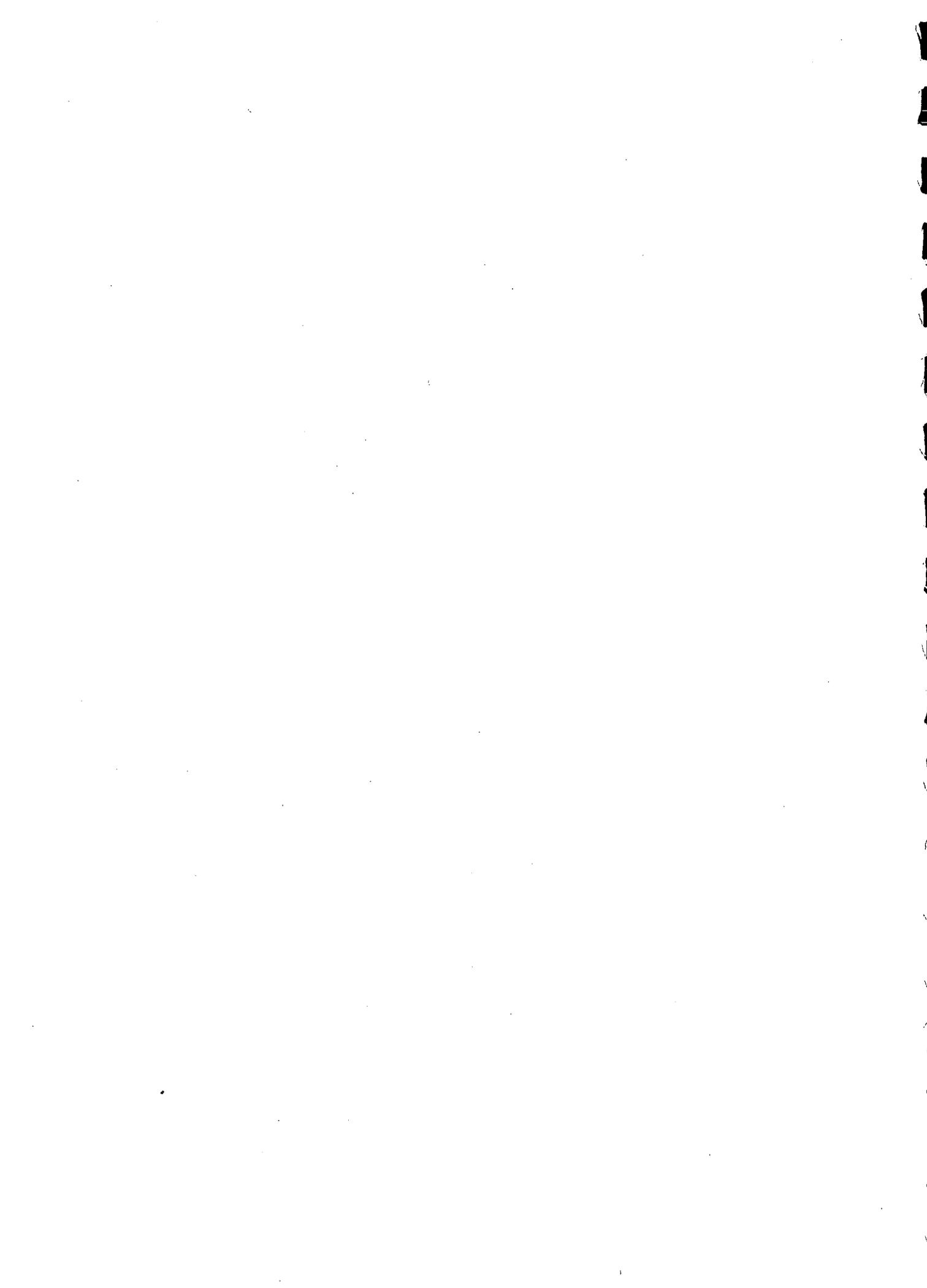
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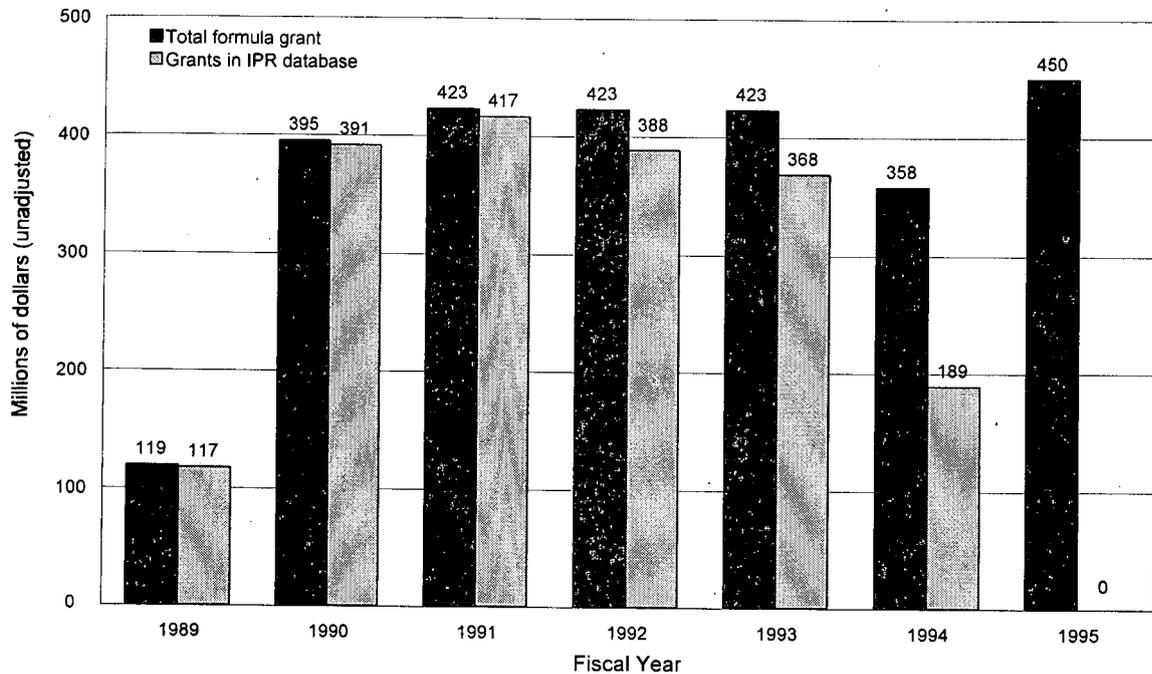
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approval. Finally, some additional delays can occur between subgrant decisions and the receipt of the IPR form in Washington.



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 1. Total Formula Grants and IPR Database Coverage, by Year, as of March 1995

For these reasons, though the IPR database is a relatively complete account of subgrants made in early grant cycles, the data are less complete for subgrants made in more recent years. As Figure 1 makes clear, this is a particular problem for FY94, for which data are quite recent. As of March, 1995, the IPR database contained approximately 50% of all subgrants made in FY94. As time passes, FY94 allocations reported to the IPRS will approximate the total appropriation for FY94.

Moreover, lag in reporting also varies from state to state, since the length of the subgrant award process depends on several state-specific factors, including state decision making procedures, whether or not state legislatures appropriate subgrant funds after decisions are made, and the date on which the state fiscal year begins. Thus, for several states no FY94 IPR data had been incorporated into the system as of March, 1995, while

other states had reported some of their awards for that year, and still others had reported nearly all. Because of this variation, we have omitted all state-specific data from FY94 from the report. Aggregate data for FY94 are included, since they provide information on roughly 50% of that year's Byrne allocation; but it must be remembered that these data, while suggestive, are preliminary and not necessarily representative.

Factors other than lag time — including grant changes and amendments, reporting error, rounding errors, and coding mistakes, also prevent the IPR totals from matching the block grant allocations perfectly in all years. For some states and years, such errors can result in IPR totals that are slightly greater than the size of the block grant. However, such errors are usually small (within 5% of the total grant), and are only occasionally more substantial. BJA has made a significant investment in assuring the reliability and validity of the IPR data. In addition to establishing systems for internal data-checking and verification, it has asked states to review and verify relevant IPR data, and is now moving towards a system of state on-line reporting of IPR information that may reduce coding errors.

Despite these limitations, the IPR database represents a vital source of information on the Byrne program. It is the only available data set that provides nationwide, comprehensive, comparable, and machine-readable information on Byrne subgrant activities. It is our view that it is better to report these data, even with their limitations, than to face the alternative, which is to have no national data base on the Byrne program. It is also our view that the IPR data in the form made available to us do allow analysis of major general trends in states' use of Byrne subgrant funds. The remainder of this report describes these trends.

2 Data Sources and Analytic Issues

The Edward Byrne Memorial System Improvement and Drug Control Formula Grant Program is an annual block grant to states.⁶ The grant funds projects that improve the criminal justice system or enhance drug control activities. Under the program, created by the Anti-Drug Abuse Act of 1986 and amended by the Anti-Drug Abuse Act of 1988, each state receives an annual grant which it then redistributes within the state as subgrants that fund particular projects. This report provides a national summary of the types of subgrants that have been awarded and the nature of their recipients as of March 1995. Because the Anti-Drug Abuse Act of 1988 substantially amended the requirements governing subgrants, the report analyzes only subgrants that have been awarded since fiscal year 1989.⁷

The analysis in this report is based on data maintained by the Bureau of Justice Assistance (BJA) through its Individual Project Reporting (IPR) program.⁸ The IPR database is an administrative reporting system that tracks states' awards of Byrne funds to individual subgrant initiatives. The database contains the most complete description available of the use and distribution of Byrne program subgrant funds. As of March 1995, the database contained a total of 17,538 records for subgrant programs funded in FY89 or later, which account in the aggregate for \$1.87 billion in federal Byrne funds.

⁶ The Edward M. Byrne program is named for a New York police officer killed in the line of duty. In addition to the fifty states, the District of Columbia and five territories (American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the United States Virgin Islands) receive grants. In this report, the word "state" refers to these jurisdictions as well, except where specifically noted.

⁷ The report does include grants that supplement ("continue") projects whose initial awards were made in FY87-FY88. See below for a description of continuation grants.

⁸ This description of the IPR database is based on that found in an earlier BJA report, *The Anti-Drug Abuse Acts of 1986 and 1988: A Preliminary Analysis of State and Local Implementation, FY87-FY90* (Washington: Bureau of Justice Assistance, 1992). The reader should note that the IPR data base is regularly updated, and that the information presented here reflects the status of the data base as of March, 1995.

Each IPR record contains four basic types of information. First, the IPR describes the subgrant recipient: the name, type, and location of the subgrant agency. Second, it provides the level of federal and matching funds that the grant received. A third set of fields describes the purpose of the grant: project name, legislative purpose area, and whether a project is multijurisdictional. A final field gives the subgrant's start date.

Since the IPRS was designed to track award data provided by states at the time of the subgrant award, it was not meant to provide a programmatic account of how Byrne subgrant funds are used or a statement of the accomplishments of funded projects. This has several consequences. First, it means that the IPRs contain a relatively small amount of information on each subgrant. Since the report is filed before subgrant activities begin, it describes only the subgrant plan in force at the time of the award. The database therefore does not account for changes during program implementation that result from new circumstances or other factors. Moreover, the IPR data describe the subgrant plan in relatively general terms. Such variables as project purpose, the identity of participating agencies, and planned project timetable are described using relatively broad categories. These limitations obviously affect the kinds of analyses that can be produced using IPR data.

In addition, the IPR database does not provide a full picture of subgrant activity. As Figure 1 demonstrates, a total of \$2.14 billion was awarded under the program to states from FY89 to FY94. However, as of March 1995, only \$1.87 billion of this amount was accounted for by the IPR database. As Figure 1 makes clear, the primary reason for this disparity is the existence of a substantial time lag between the award of federal funds to states and the incorporation of those funds into the IPR database. This lag is due to a number of circumstances, most of which flow from the structure of the Byrne program. Once Congress finalizes the total Byrne grant for each state in a given grant cycle, the state must develop a state strategy and have it approved by BJA before it can finalize subgrant awards. Additional time passes between BJA's approval of the strategy and the state's final subgrant decisions; in some states, these decisions may be made throughout the three-year grant award period that commences with strategy

1 INTRODUCTION

Like the other two background documents of the National Assessment¹, the report that follows is not a complete evaluation of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program (Byrne program hereafter).² It is limited to an examination of state funding decisions, as reported to the Bureau of Justice Assistance (BJA) by states and stored by BJA in the machine-readable database known as the Individual Project Reporting System (IPRS).³

The objective of the report is to provide as accurate and comprehensive a statement of state subgrant funding decisions as is feasible, using the IPRS -- the only currently available information system that contains Byrne program data of national scope. The report is therefore primarily descriptive, and contains only limited interpretation of findings. For an analysis of the implications of these findings, as well as an assessment of information systems relevant to the Byrne program, the reader is referred to the fourth report in the series mentioned above.

The analysis presented here covers the period FY89-FY94⁴. For reasons described below, data for FY94 are partial. Byrne program funding data for FY87 and

¹ See the Preface above for details on the other reports.

² Edward Byrne was a New York police officer killed in the line of duty. For ease of reference, the program is hereafter referred to as the "Byrne" program.

³ State subgrant funding is based on a strategic plan submitted annually by states to BJA. The plan enumerates state's general intentions about the allocation of the annual state award made by the Byrne formula grant program. After BJA approval of the state strategy, states subsequently make subgrant awards to particular projects. As each award is made, state administrative agencies complete an Individual Project Report form containing basic information about the subgrant and submit it to BJA, either on paper or, in more recent years, electronically. The resulting database is known as the IPRS, or the IPRs. Our thanks are due to BJA for provision of the IPR data base, and for generally unstinting cooperation and support as we have utilized it.

⁴ The abbreviation FY is used throughout to designate the federal fiscal year - October 1-September 30. For reasons of convenience, we employ the form FY89, FY90, etc. rather than some other equally acceptable form such as FY 1989, FY 1994.

FY88 are not included in this report. These results have been previously reported,⁵ and are not recapitulated here, since the Anti-Drug Abuse Act of 1988 adopted changes in the classification structure of awards that preclude meaningful comparisons between data for FY87-FY88 and information from subsequent grant cycles.

This report consists of five additional sections. Section 2 describes the database used in the analysis, the Individual Project Reporting (IPR) System, and summarizes some attendant analytic issues. Section 3 looks at the way in which subgrants are funded, and considers the extent to which changes in state strategies over time can be observed from a comparison of new funding with continuation funding. Section 4 discusses how subgrants are distributed among programmatic purpose areas, and Section 5 looks at the distribution of these funds to implementing agencies at different levels of government. A final section summarizes the report's major findings.

⁵ Bureau of Justice Assistance, *The Anti-Drug Abuse Acts of 1986 and 1988: A Preliminary Analysis of State and Local Implementation, FY87-FY90*, Washington, D.C.: February, 1992.

3 How are Subgrants Funded?

Overview of Subgrant Budgets

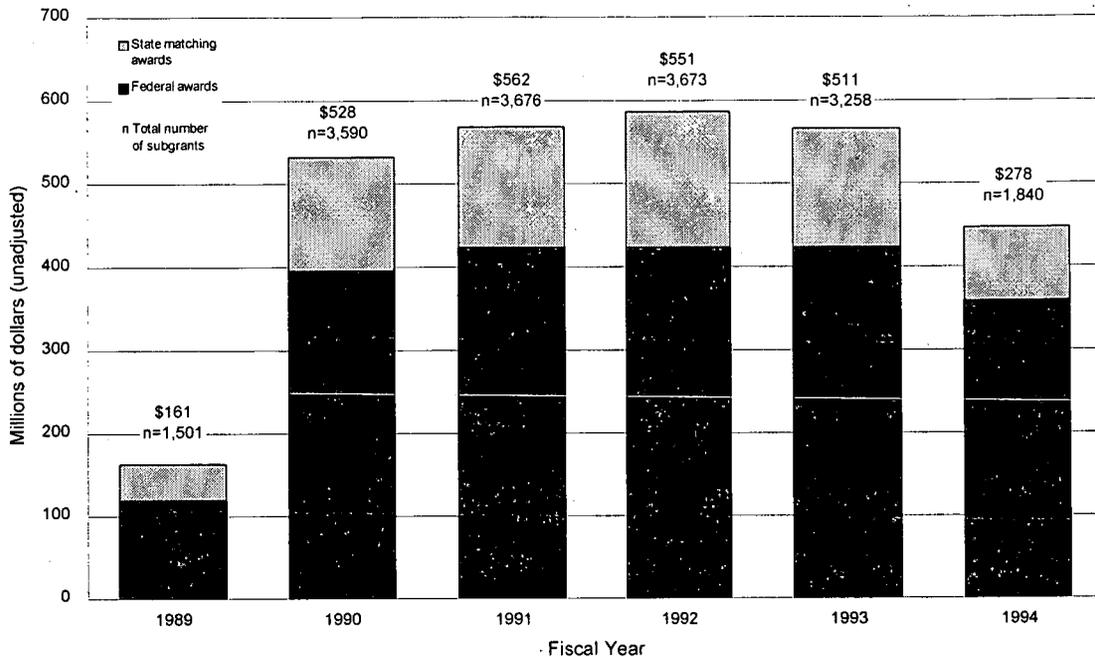
As discussed above, the IPR database accounts for \$1.87 billion in federal grants for the six-year period between FY89 and FY94.⁹ Since the program requires states to pay 25% of subgrant expenses from their own funds — these funds are known as program “match” — total program funding is in fact greater.

Figure 2 shows that total program grants, including federal and matching funds, are \$2.59 billion for the six-year period. Figure 2 also demonstrates that in each grant cycle, aggregate state match has been slightly in excess of the required 25% of all project expenses.

The data in Figure 2 also imply that the size of the average subgrant’s annual budget has been remarkably constant. In all years but FY89, the average annual grant size, including both federal and matching funds, was \$150 thousand.¹⁰ In FY89, the figure was closer to \$100 thousand. However, there is considerable variation in average subgrant size across states; and across years within particular states. At the extremes, the six-year average annual subgrant size for North Dakota (federal plus match) was only \$39 thousand, while in Texas it was \$437 thousand.

⁹ For the remainder of this report, all summary data refer to the six-year period between FY89 and FY94 unless otherwise noted.

¹⁰ For FY91 for instance, an average of \$153,000 is calculated by dividing the sum of federal Byrne funds and state matching funds (\$562 million) by the number of awards made (3,676).



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 2. Subgrant Federal and Matching Funds, by Year, FY89-FY94

There is also considerable variation in subgrant size over time within states. Wyoming, for example, had an average annual grant size (federal plus match) of between \$150 and \$300 thousand from FY89 to FY91, and again in FY93, but chose in FY92 to spend its entire grant amount and associated match on a single multijurisdictional task force, which was funded at over \$2.2 million.

Continuation Grants and State Strategic Innovation

Most programs that receive subgrants are designed to function for more than one year. However, subgrants are awarded annually. Therefore, many subgrants are “continuation awards” for projects that are already functioning. Approximately two-thirds of all subgrants funds from FY89 to FY94 were awarded as such continuation grants. Thus, since many programs receive multi-year funding, the above discussion of

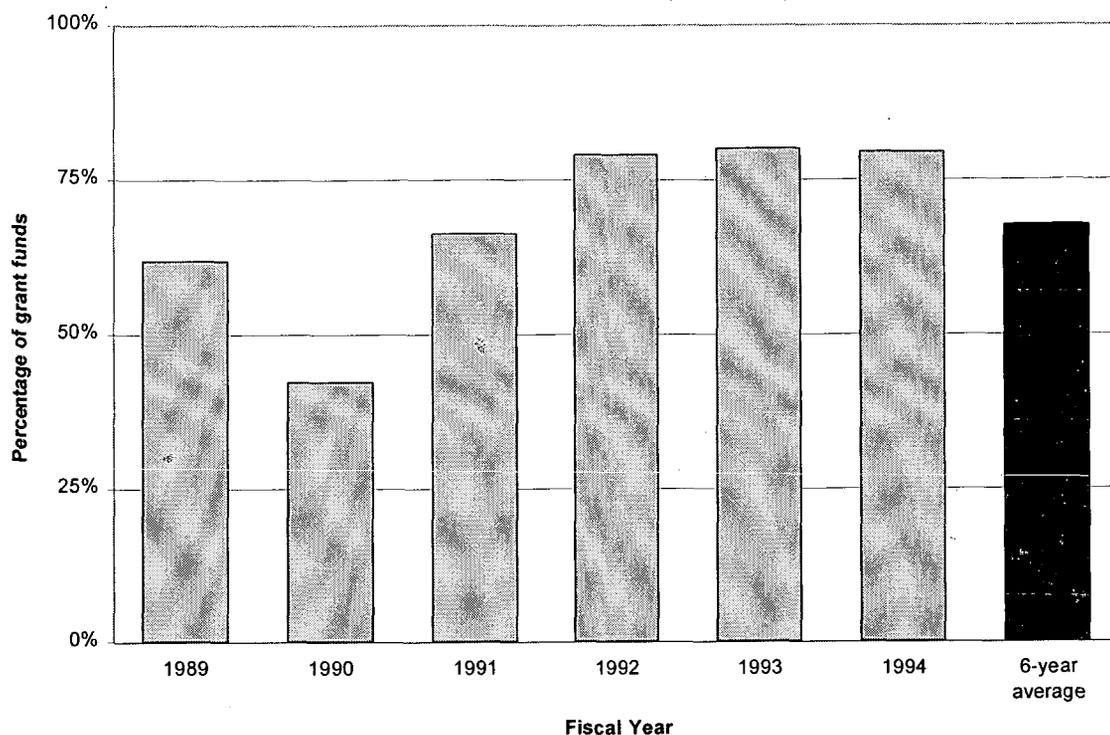
subgrant size refers to the average size of *annual* awards and not aggregated *lifetime* funding for each subgrant.

As shown in Figure 3, continuations account for most subgrant awards: 68% of all grant funds awarded from FY89 to FY94 were used to continue existing projects for additional years. In recent years, states have become even more conservative, spending upwards of three-quarters of all grant funds on continuation projects.

The apparent rise over time in the proportion of funds used for continuations appears to have been influenced by several factors. First, while many subgrants are limited by federal regulation to a four-year maximum lifetime, several important categories of subgrants, including those for multijurisdictional task forces, are exempt from this requirement. Thus, while the so-called "four-year rule" tends to reduce the proportion of the grants used for continuations since FY91, its effect has been substantially reduced by states' heavy investment in multijurisdictional task forces (see Section 4 for additional information on multijurisdictional task forces).¹¹

Perhaps more important have been annual fluctuation in the size of the awards made to states. As Figure 1 illustrated, the total size of the Byrne grant program nearly tripled between FY89 and FY90. A smaller increase followed in FY91. These increases in funding allowed states to continue existing programs in these years while still investing in substantial new efforts. However, funding levels were stable from FY91 to FY93, and declined by 15% from FY93 to FY94. In a period of stable or shrinking grants, sizable investment in new initiatives requires a substantial reallocation of funds from existing programs to new efforts. These data suggest that states, in general, chose not to undertake such redistribution.

¹¹ Since the first year of program awards was FY87, FY91 was the first year in which some projects were ineligible for continuation funding under the four-year rule.



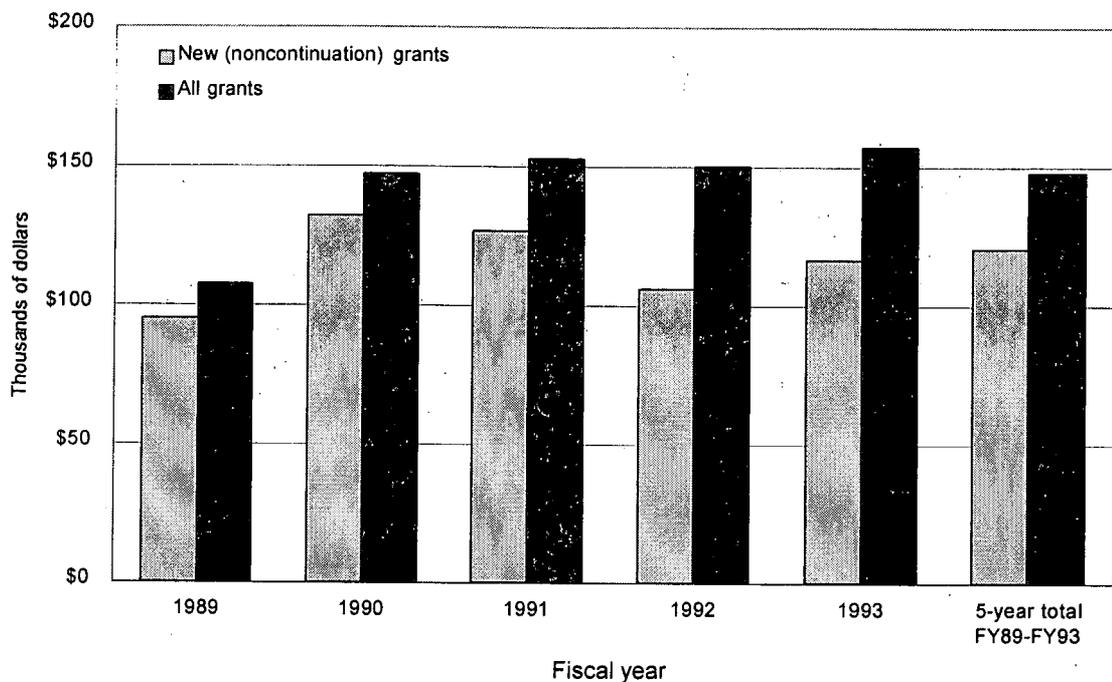
Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 3. Proportion of Formula Grant Funds Used to Continue Existing Subgrants, by Year, FY89-FY94

The large and increasing proportion of grant funds that are used for continuations appears to reflect a multi-year and relatively conservative approach by states to the program. From the federal perspective, the Byrne grant operates on a federal fiscal year basis: Congress appropriates funds annually during the fall appropriations cycle, and, shortly afterwards, states submit an annual state strategy to the federal government that contains a plan for the disbursement of that appropriation. Nevertheless, while states retain the option of making fresh grants each year, in general they have emphasized providing continuation funding for multi-year programs. This approach has contributed to the finding that in the aggregate, and especially since FY90, state strategies for the use of block grant funds have been relatively stable, with funding priorities changing only incrementally.

As always, aggregate data conceal some of the variation observed in funding patterns among the various states. Virtually all the states have devoted an increasing proportion of their grants to continuations over time, a pattern consistent with the trends in total funding levels. However, some devote a much greater absolute proportion of their grant funds to continuations than do others. Figure 4 shows the proportion of formula funds that each state devoted to continuation grants for the years FY92-FY93, the two most recent years for which there are relatively complete data.

It is likely that some of the interstate variation is due simply to differences in administrative practice; for example, some states may treat subgrants whose project description changes over time as new grants, while others treat them as continuations. Nevertheless, there are clear substantive variations among states. Some states, such as California and Arizona, devoted virtually all of their FY92-FY93 funding to already existing projects. In California, for example, funds were used to fund a set of county-based drug control strategies that were initiated in 1991. By contrast, a few states substantially reallocated their formula grant funds during this period. Three states — the District of Columbia, North Carolina, and the U.S. Virgin Islands — spent less than half of their FY92-93 funding on continuation grants.



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 5. Average Size of New Subgrants (Federal and Matching Funding Combined), by Year, FY89-FY93

This may suggest that states are “spreading the wealth” available for new initiatives among as many recipients as possible, or it may be simply that subgrants awarded for the first year of operations are somewhat smaller than subsequent awards. Second, a small number of states — California, Idaho, Massachusetts, Vermont, and Wyoming — have in some years funded new projects entirely from federal rather than matching funds, making up the resulting deficiency in statewide match by excess match in other projects or by some other matching approach. California, for instance, has handled the match requirement by “contributing” the entire state match requirement from state funds. In the sense that the Byrne program actually anticipates that match will be made on a project-by-project basis — in order to promote the likelihood that federally supported projects will be picked up and continued with local funds at a later stage — such approaches may

be viewed as running counter to the principles of the legislation. States point out, however, that many jurisdictions would be unable to participate in Byrne funding if local money were a requirement. On this view, such "statewide" approaches to the matching requirement lessen some of the obstacles that face local communities who wish to participate in the program for the first time, while still meeting the goal of supplementing federal funds with a local contribution.

Of course, new grants may differ from continuation grants in respects other than the size and composition of their budgets. In particular, they may be used for different kinds of programs, and they may be awarded to different types of agencies. These possibilities are addressed in the next sections.

4 How are Subgrants Used?

By structuring the Byrne criminal justice grant as a block grant, Congress gave states the authority to decide how best to use federal funds to combat crime and illicit drug use. Almost no substantive restrictions were placed on states; however, states were required to justify their choices with a written annual state strategy for drug and crime control. Central to understanding program implementation, therefore, is an analysis of what types of strategies states have chosen. State strategic decisions can be aggregated to give a picture of the nationwide strategic direction that the states, taken together, have adopted; analysis of changes over time or differences among states can give a picture of the variation that exists in state strategic thinking.

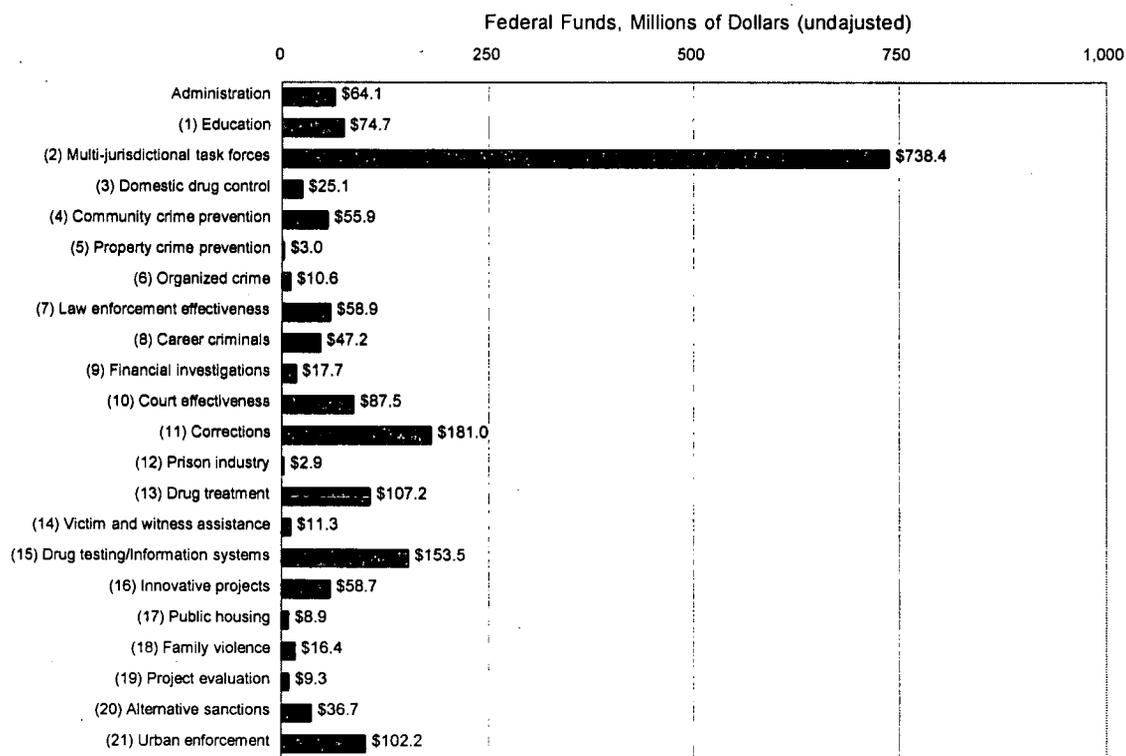
The nature of state strategic choices is analyzed here in terms of the twenty-one “substantive purpose areas” that the Anti-Drug Abuse Act of 1988 defined as acceptable for initiatives receiving subgrants.¹² The IPR database assigns each subgrant award either to one of these areas or to state program administration (see Section 5 for additional information on administrative expenses). The assignment of purpose areas to subgrant initiatives may occur in one of two ways. Subgrants designed to meet the specifications of a particular BJA-approved program brief are assigned the pre-determined purpose area associated with the program brief. States categorize each subgrant not associated with a pre-approved program brief as to purpose area, and this is then subject to BJA oversight.

This purpose area classification scheme imposes several limitations on the analysis. First, the purpose areas as enumerated in the Act are both broad in scope and vaguely worded. Some area designations, such as “innovative projects” (area 16), give little information regarding the nature of subgrant activities. Other areas, such as “law enforcement effectiveness” (area 7), embrace an extremely broad range of potential

¹²This list is reproduced in Appendix A. Note that beginning in FY95, the list of substantive purpose areas was expanded to twenty-six. This change may affect future analyses of the IPR data.

activities. Second, there is substantial conceptual overlap among areas; for instance, a project in which prosecutors divert drug offenders in three counties to treatment could conceivably be categorized as a multijurisdictional effort (area 2), court effectiveness improvement (area 10), drug treatment (area 13), alternative sanctions (area 20), or an innovative project (area 16).¹³ Therefore, purpose area designations provide a relatively coarse and somewhat arbitrary way of analyzing the purposes for which states have used block grant funds.

Notwithstanding these limitations, however, purpose area designations do provide a general picture of state strategic decisions. Moreover, when state purpose area decisions are aggregated, as they are in Figure 6, several striking patterns become apparent.



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 6. Allocation of Federal Funds Among Substantive Purpose Areas, FY89-FY94

¹³This example is taken from BJA 1992, *op. cit.*

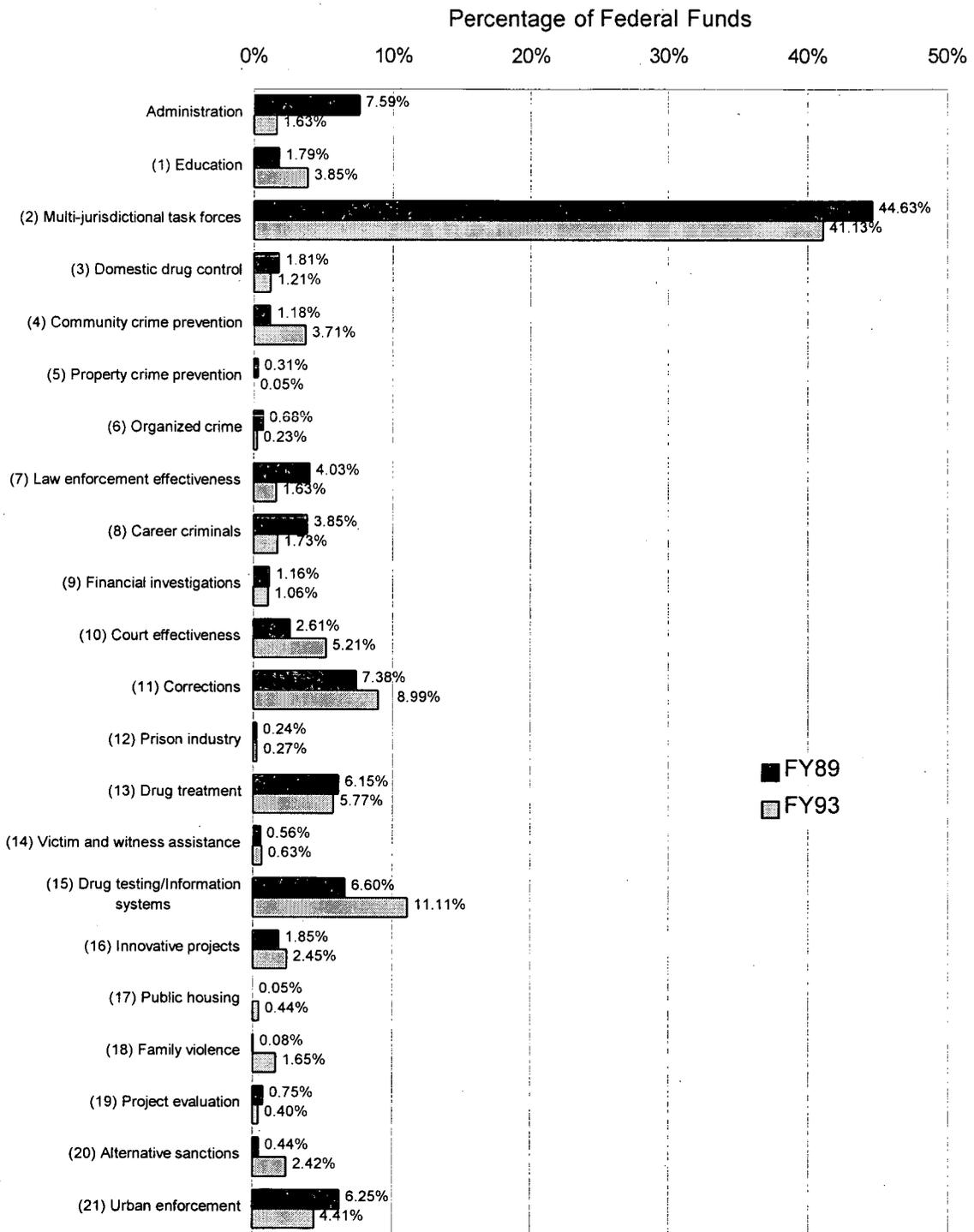
Figure 6 shows the total level of funding that has been devoted to each purpose area since FY89. The figure illustrates the most dramatic characteristic of states' subgrant decisions under the program: their overwhelming preference for multijurisdictional task forces (area 2). Multijurisdictional task forces account for approximately 40% of all subgrant funds awarded under the program to date. No other purpose area has received even 10% of the total.

Figure 6 also shows considerable variation in allocations among the remaining purpose areas. Two areas — corrections programs (area 11), and drug testing and information systems (area 15) — have received, respectively, 10% and 8% of all program grants. Several other areas, by contrast, are much less frequently represented; property crime prevention (area 5), prison industry programs (area 12), public housing programs (area 17), and program evaluation (area 19) all received less than one-half of one percent of the total grant. In some cases, such as public housing programs, low subgrant levels may be due to the availability of other sources of federal funding (in the case of public housing, for example, significant funds are provided to Housing Authorities through the Public Housing Drug Elimination Program administered by the Department of Housing and Urban Development); in other areas, funding levels appear to simply reflect states' strategic decisions.¹⁴

Trends in Purpose Area Assignment

Figure 6 presented aggregate data on state allocation decisions for the period FY89-FY94. However, state strategies for allocating Byrne grant money have evolved over time. This section explores changes that have occurred during the study period in states' aggregate allocation decisions.

¹⁴ The relatively low level of awards made for victims' and witness assistance programs may also reflect the availability of other sources of federal funds. Too much should not be made of this argument, however; drug treatment and drug education received 6% and 4% of the total grant respectively, substantial independent federal grants for these purposes notwithstanding. This issue is discussed in more detail below.



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 7. Allocation of Federal Funds Among Substantive Purpose Areas, FY89 and FY93

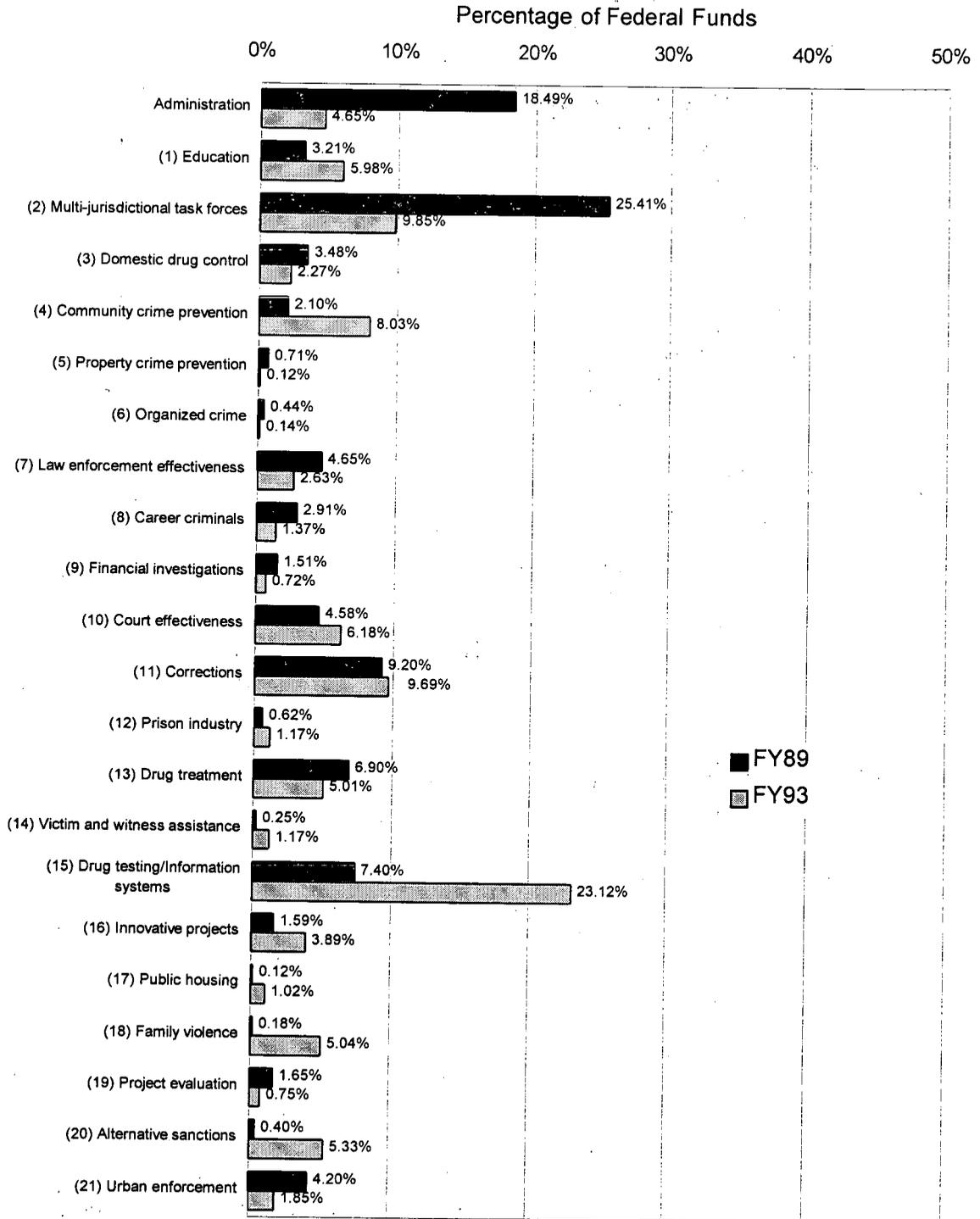
Figure 7 addresses this issue by comparing national allocation patterns in FY89 to those in FY93, the latest year for which the IPR reporting is reasonably complete. Allocations for each year are expressed in percentage terms in order to allow direct comparison. The figure suggests several conclusions regarding the nature of change in states' strategic approaches to the program.

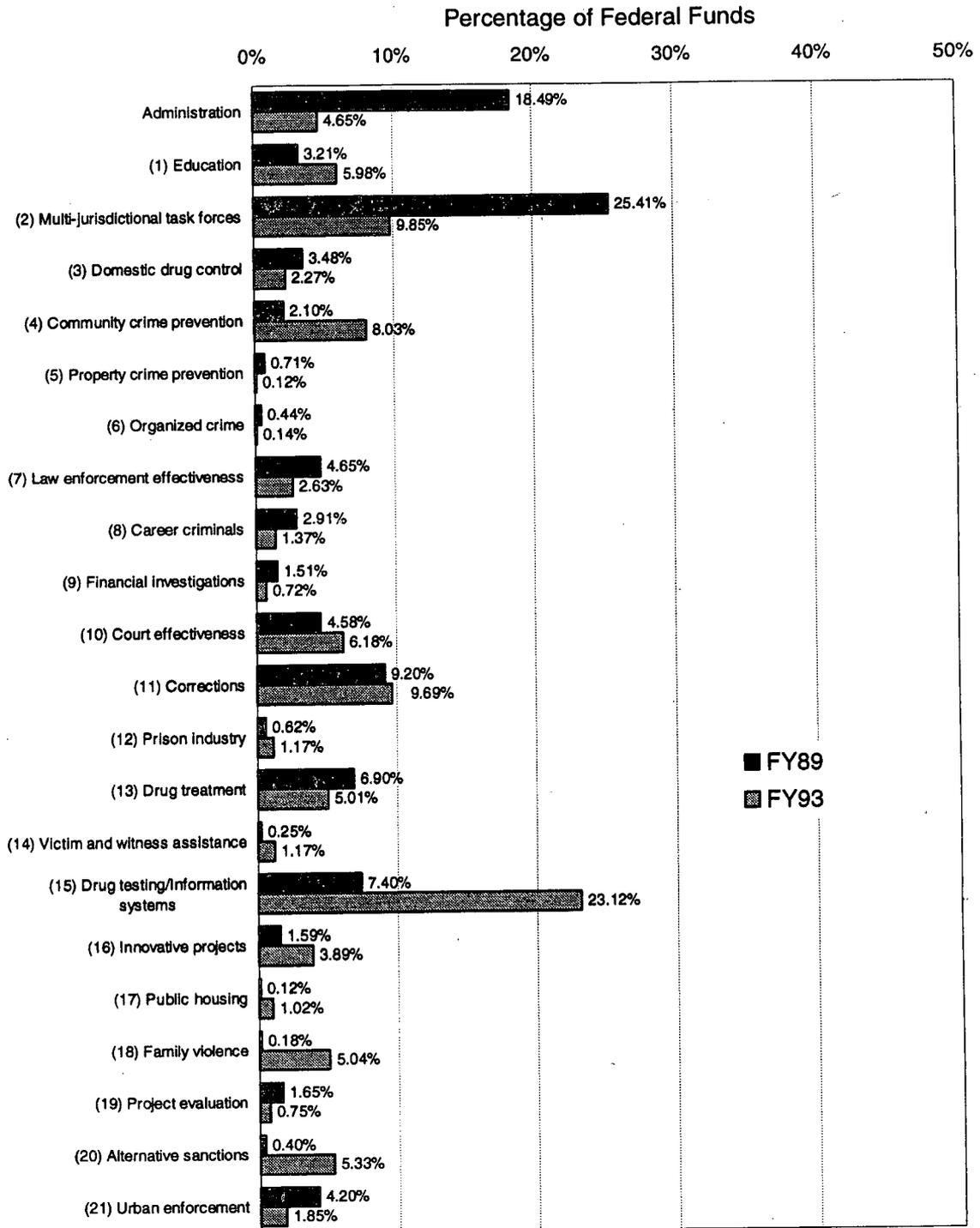
The central conclusion suggested by the data is that state strategies were relatively conservative over the FY89-FY93 period. The rough shape of the distribution for the two years is the same. In both years, multijurisdictional task forces dominated the allocation. The next best-funded group of purpose areas also shares many of the same members across the two years, as does the group of least-funded areas.

Within this overall conservatism, however, some interesting trends can be observed. Proportional funding for two of the more popular areas — corrections and testing/information systems — increased substantially during the period. In addition, though states did not allocate large amounts to a number of smaller, more specialized purpose areas in either year, there appears to have been a significant reshuffling of priorities among some of those purpose areas over time. Several specialized areas related to policing — property, organized, and career criminal investigations, as well as law enforcement effectiveness and urban enforcement programs (areas 5, 6, 7, 8, and 21 respectively) — saw substantial declines in their proportional funding between FY89 and FY93 (though, with the exception of property crime prevention, their actual dollar allocation remained stable or grew). By contrast, there were strong proportional gains for initiatives related to other areas: community policing (area 4); several areas that involve law enforcement innovation, such as drug education, public housing programs, and family violence initiatives (areas 1, 17, and 18); and several areas involving adjudication and corrections (areas 10, 11, and 20).

Another way of looking at changes over time in state strategic decisions is to examine the allocation of new, noncontinuation grants among purpose areas, as is done in

Figure 8. As we noted in Section 3, one reason that state strategies are conservative is that states use





Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 8. Allocation of Federal Funds for New (Noncontinuation) Grants Among Substantive Purpose Areas, FY89 and FY93

the bulk of their funds to finance multi-year projects already underway. Of course, states retain the discretion not to continue any project, and the decision to continue or drop projects is an important component of a strategic approach. Nevertheless, if states' strategic interests change, one would expect decisions about new grants, which do not involve existing investment, to reflect those changes most vividly.

Figure 8 thus recaps Figure 7, but presents data only for new, noncontinuation grants. Figure 8 brings several aspects of state strategic innovation into sharp focus. In FY89, new money was primarily being directed into multijurisdictional task forces, which were not fully established. By FY93, however, the primary focus of innovation had shifted from task forces to drug testing and information systems development (area 15), which received 23% of all new, noncontinuation grants in FY93. Nevertheless, new task forces received roughly 10% of new funds, and so were not exactly abandoned. Figure 8 also suggests a general mood of innovation surrounding the expenditure of new money in FY93, as states awarded subgrants in a number of purpose areas which had garnered almost no attention in FY89.

Awards for Multijurisdictional Task Forces

Multijurisdictional task forces clearly play a central role in numerous states' strategies, and in the program as a whole. Task forces have also been a major focus of interest at the federal level, both in Congress and in the Bureau of Justice Assistance, which has urged states to include them in their subgrant choices. This section reviews the funding of multijurisdictional task forces under the Byrne grant.

As we have noted, as a category, the term "multijurisdictional task force" is somewhat amorphous. Clearly, all programs embraced by this category include at least two cooperating jurisdictions. The nature of that cooperation, however, is not defined within the IPR data base. Neither is the nature of the activities of the cooperating jurisdictions. Moreover, virtually every task force is involved in activities which could plausibly be given another purpose area designation. Therefore, it is possible that the analysis we present here omits some multijurisdictional efforts that are funded by the Byrne program, but categorized in other purpose areas.

Despite this caveat, program participants generally use the term "task force" to describe cooperative efforts among law enforcement agencies, frequently with the participation of prosecutors, district attorney's offices, and probation departments. It seems likely that the IPRs label nearly all such programs as multijurisdictional task forces. Since FY89, 5,215 annual subgrants have been made to multijurisdictional task forces, with federal funds totaling \$738 million and additional state and local matching funds of \$291 million, for a total of \$1,029 million in funding. The distribution of these funds by year, and between new and existing task force initiatives, is described in Figure 9. The figure shows that between FY90 and FY93, there were between 900 and 1,100 separate task force initiatives running nationwide that were using Byrne program funds. Both the number and the aggregate program funding level for task forces have been relatively stable since FY90.

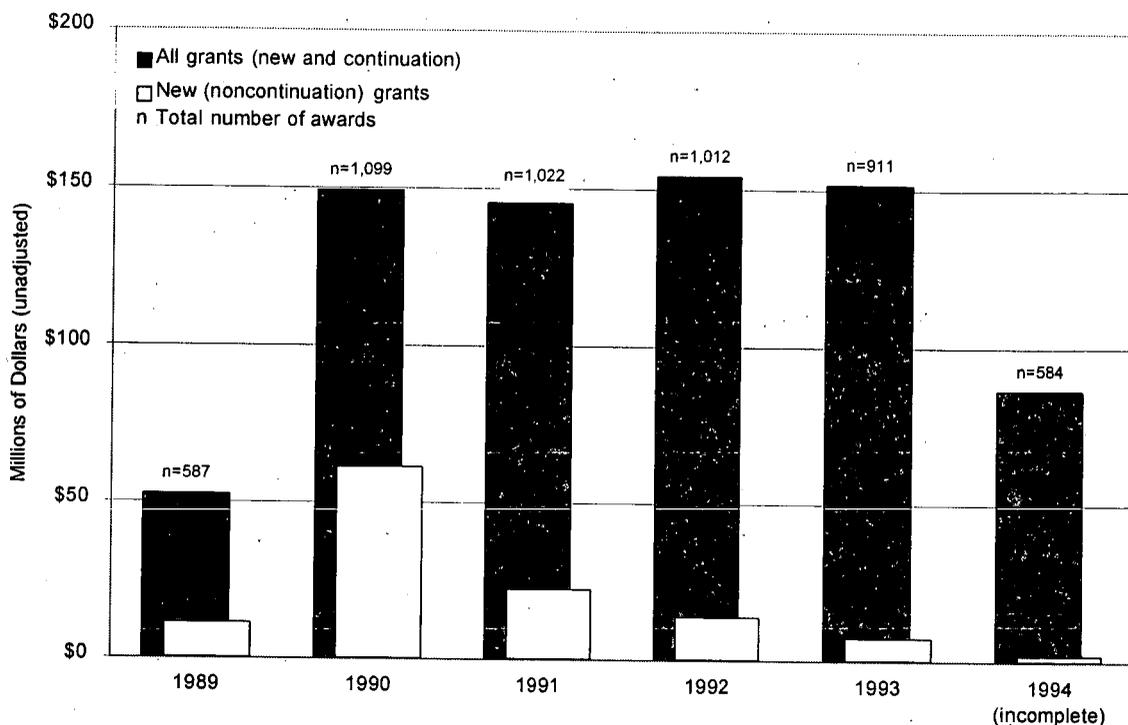
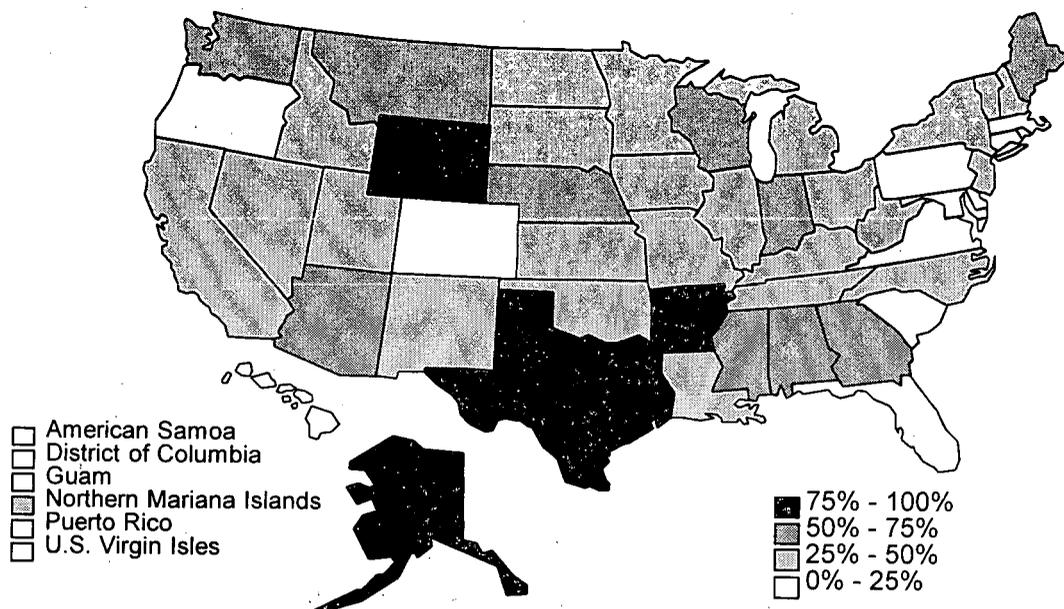


Figure 9. Federal Funds Subgranted to Multijurisdictional Task Forces, by Year, FY89-FY94



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 10. Multi-Jurisdictional Task Force Awards, by State Percentages, FY89-FY93

Most multijurisdictional task force awards fund existing operations; since multijurisdictional task forces are exempt from the federal "four-year rule," there is no limit on the length of time that a task force can receive continuation grants. However, the proportion of the total multijurisdictional funding used for task forces that have not previously received Byrne funds has been declining steadily since FY90. Even in FY90, when the large increase in total funding led to an unusually large number of startup task forces, the bulk of funding went to existing efforts. By FY93, 95% of multijurisdictional grants were for continuations. This suggests that, nationally, a saturation point may have been reached, and that few new multi-jurisdictional task forces will emerge in the future. As Figure 10 illustrates, there was substantial interstate variation in reliance on task forces during the FY89-FY93 period. During that period, 26 states allocated between 25% and 50% of their Byrne funds to task force initiatives. Several states, however, spend significantly more or less. Wyoming leads the nation in allocating 90% of its FY89-FY93 grant to task force programs; Texas and Arkansas spent more than 80% of the funds they report on these initiatives. By contrast, Connecticut and Maryland spend less than 10% of their total funds on task forces. In addition, most of the participating non-state jurisdictions spend relatively little on multijurisdictional task forces, since many have relatively few jurisdictional divisions. Among participating states and territories, only the District of Columbia allocated no funds to task forces between FY89 and FY93.

Awards for Drug Education and Treatment Programs

The Anti-Drug Abuse Act of 1988, which authorized the Byrne block grant program of criminal justice assistance, also authorized (or reauthorized) block grant programs in the areas of drug education and treatment that were as large or larger than the Byrne grant itself. At the same time, it included in the list of purpose areas for which Byrne expenditures were authorized two purposes that overlapped with activities of these other grants: educational activities in which law enforcement officers participate (area 1),

and programs to identify or meet the treatment needs of adult and juvenile offenders (area 13).

In the first years of the program, there was widespread feeling on the part of state officials involved in the program that the existence of parallel block grant programs for prevention and treatment made funding such activities through Byrne money a relatively low priority.¹⁵ Several factors, however, have contributed to increasing interest by Byrne state planners in education and treatment programs.

The first was the relative lack of restrictions placed on Byrne subgrant awards, compared to awards from the drug prevention or treatment block grants. While the distribution of funds under the latter two programs is governed by relatively rigid federal guidelines, the Byrne grant gives states wide latitude, both in defining programs' activities and in selecting recipient jurisdictions. This meant that Byrne funding could offer opportunities for education and treatment initiatives that could not be funded by the other block grants. This was particularly true in the case of treatment, since the offender population is not often a focus of efforts under federal treatment grant programs.

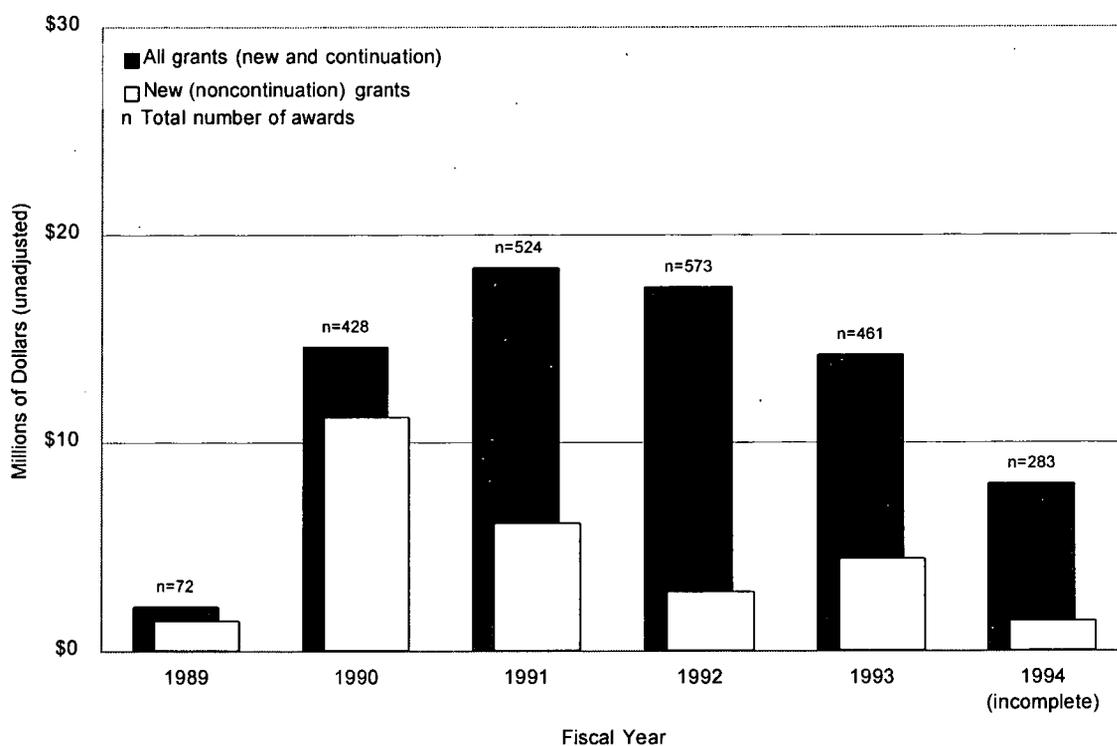
Second, and perhaps more important, was the federal requirement that states receiving Byrne funds submit a "comprehensive" state strategy for drug control. Federal regulations explicitly required this strategy to account for efforts to coordinate among the criminal justice, treatment, and prevention communities. While such coordination efforts were embraced with varying intensity by the several states, the requirement did have the effect of raising issues of treatment and prevention in the mind of criminal justice planners. A consequence was that, in some states, criminal justice officials involved in the Byrne program became heavily involved in coordination issues.

Finally, some officials involved in the Byrne program believe that the solution to drug problems lies ultimately in prevention and treatment initiatives. For these officials,

¹⁵See Terence Dunworth and Aaron Saiger, *State Strategic Planning Under the Drug Formula Grant Program*, National Institute of Justice Research Report, NCJ-136610 (Washington: National Institute of Justice, 1992).

prevention and treatment programs are natural components of state strategies whether or not parallel block grant programs exist in other areas.

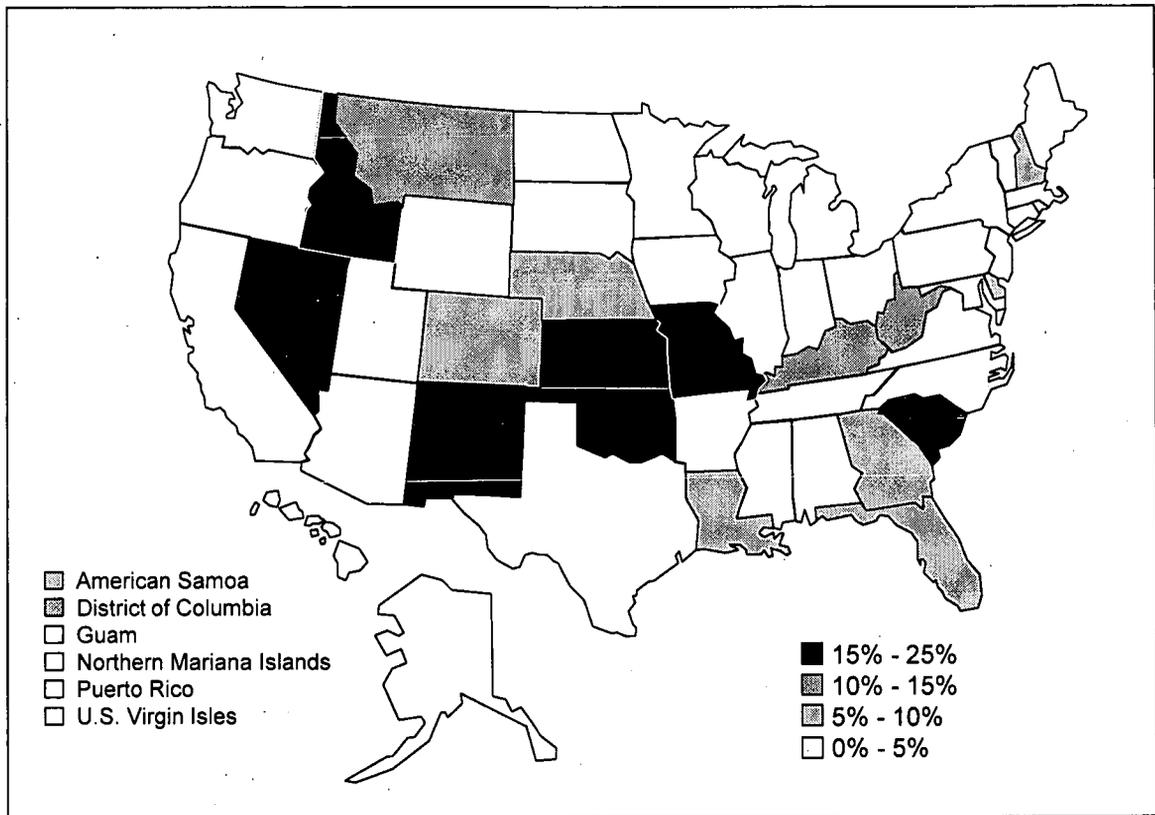
Figure 11 describes the subgrants assigned to purpose area 1, which funds educational programs in which law enforcement officers participate.¹⁶ During the six-year study period, including the partial reports for FY94, \$75 million and 2,341 separate subgrants have been awarded for education. The annual number of programs increased enormously in FY90. Moreover, a large proportion of the programs begun in FY89 and FY90 were new initiatives. This suggests that the FY88 broadening of permissible purpose areas to include education was met with strategic interest on the part of the states.



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 11. Federal Funds Subgranted to Drug Education Initiatives, by Year, FY89-FY94

¹⁶The most common, though not the only, type of program funded in this area are Drug Awareness and Resistance Education (DARE) programs, in which law enforcement officers work with students in a classroom setting.

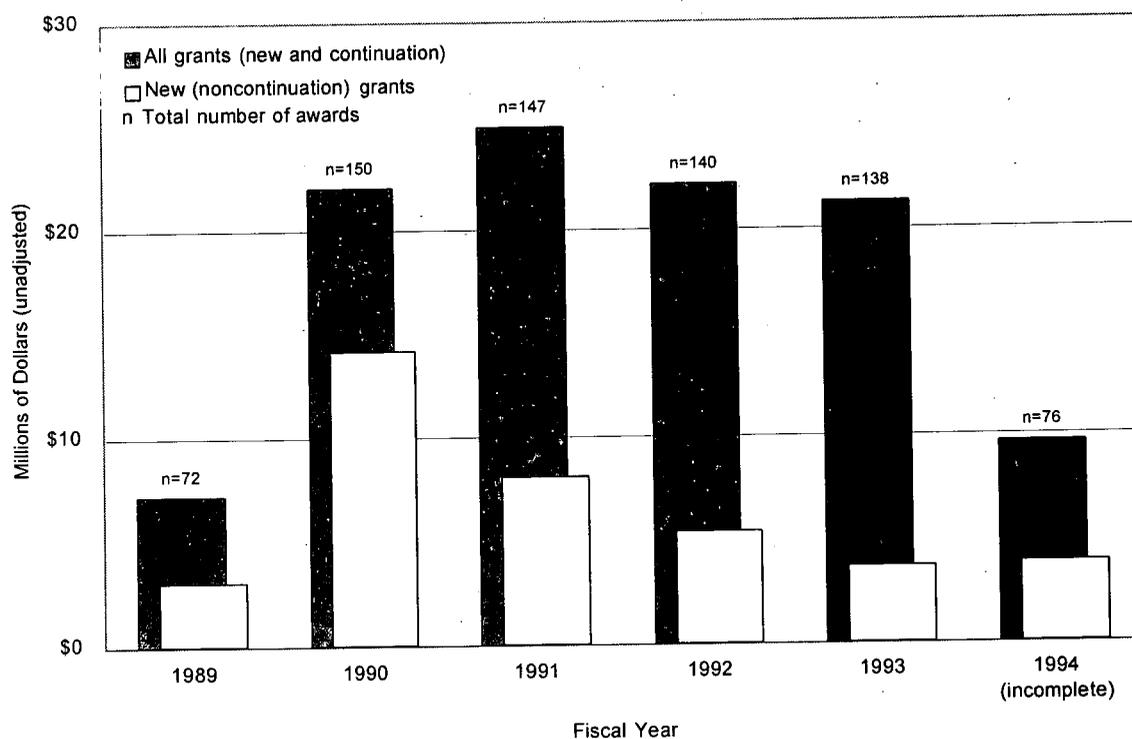


Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 12. Percentage of Byrne Formula Grant Awarded to Drug Education Initiatives, by State, FY89-FY93

Unlike multijurisdictional task forces, drug education initiatives are far from being a universal component of state strategies. Figure 12 shows that in thirty-eight states, drug education accounts for less than 5% of Byrne grant expenditures. (Partial FY94 reports are not included in Figure 12.) Eight of these states have made no subgrants in this area since FY89, and another five have awarded subgrants that amount to less than one-half of one percent of their total allocation. By contrast, a few states have made a very strong commitment to drug education programs. Nevada and Oklahoma have used 22% of their total grant to fund drug education programs, the highest fraction in the nation. Nine other states spend more than 10%.

Figure 13 reports aggregate data on grants for initiatives in offender drug and alcohol treatment (area 13). A pattern roughly similar to that of drug education subgrants is apparent, although there is more money involved: \$107 million, divided among 723 different subgrants. Since FY90, there have been approximately 140 programs receiving Byrne funds in this area in any given year. Total funding levels peaked in FY91. New initiatives form an important but declining fraction of total awards. The average subgrant budget (federal plus match) is \$204 thousand, larger than the national average and considerably larger than the average education subgrant.



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 13. Federal Funds Subgranted to Offender Treatment Initiatives, by Year, FY89-FY94.

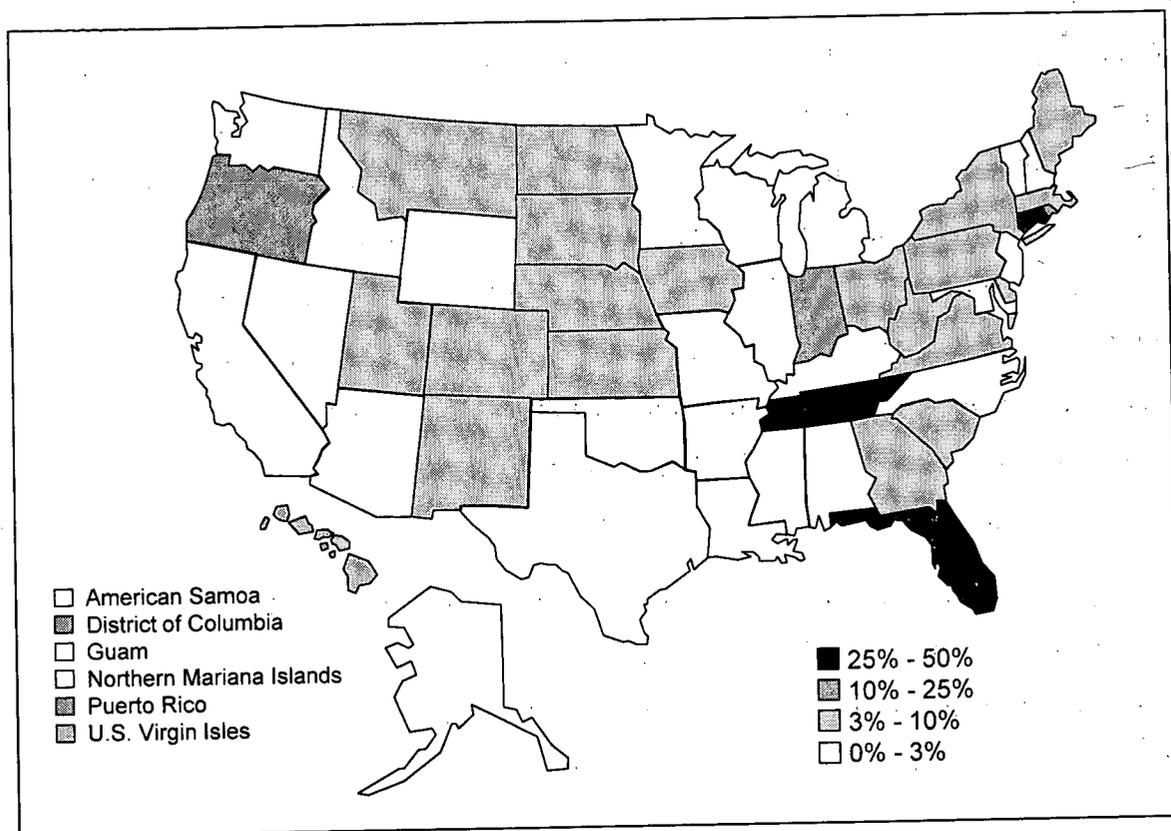
Although aggregate subgrants are higher for offender treatment than for drug education (respectively, \$107 million compared to \$75 million, in the FY89-FY94 time

frame), this result is largely produced by the fact that a small number of states give very significant emphasis to treatment activities. As Figure 14 shows¹⁷, 27 states spend less than 3% of their total grants on offender treatment programs; though not depicted in the figure, thirteen of these spend nothing at all. By contrast, a handful of states have made offender treatment the centerpiece of their strategies. Connecticut alone has spent 45% of all its grant funds since FY89 on offender treatment, itself providing more Byrne dollars in this area than the combined total for all 27 states who de-emphasize the strategy. Florida and Tennessee are the other big spenders on offender treatment, allocating 30% and 26% of their cumulative grants respectively.

In summary, for a majority of states, drug education and treatment remain relatively minor aspects of the Byrne formula grant program. A majority spend relatively little in both areas, and a significant minority of states do not invest in these areas at all. However, a small number of states have elevated education or treatment into pillars of their strategic approach to the Byrne program.

Overall, interest in these areas has been at least stable since FY91. Both treatment and education show funding declines from FY91-FY93, but this may be due in part to time lags in reporting for more recent years. The number of treatment programs been roughly stable since FY91, while the number of education initiatives peaked in FY92 and declined substantially in the following year.

¹⁷ Note that the partial FY94 IPR data are not included in Figure 14.



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 14. Percentage of Byrne Formula Grant Awarded to Offender Treatment Initiatives, by State, FY89-FY93

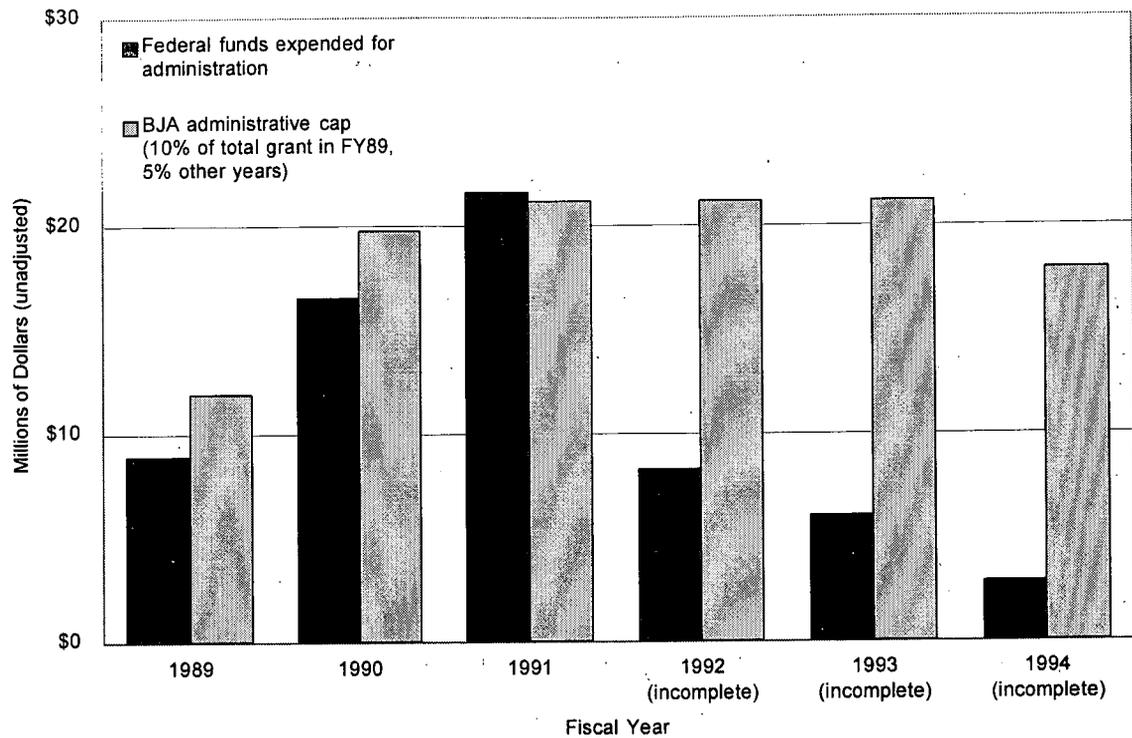
5 Who Receives Subgrant Awards?

While the Anti-Drug Abuse Act of 1988 imposes only the most general restrictions on the substantive nature of subgrant awards, a few provisions do regulate the recipients of awards. Two of these regulations stand out: the requirement that states spend no more than 10% of their grant on program administration, and the requirement that states "pass through" a minimum proportion of their grants to subgrants operated by local, as opposed to state, government agencies. This section opens by assessing state compliance with these requirements.

It is important to note that the pass-through requirement is an aggregate requirement imposed on states. As long as the total funds a state awards to local governments are at least as great as the mandated fraction, the state can distribute the funds at will. For example, one large award to a single city, grants to county governments (to the exclusion of cities), or grants that focus on rural areas without parallel funding for urban areas all comply with the pass-through requirements and are licit under the program. Clearly, however, each of these approaches embodies a very different state strategy. This section therefore concludes with a discussion of the patterns of interjurisdictional distribution that have characterized states' subgrant decisions since FY89.

Expenses for State Program Administration

The first distribution requirement of the Anti-Drug Abuse Act is imposed on the state agency that has been designated to prepare the state strategy and administer the formula grant program. This agency can award itself no more than 10% of the total state grant for administrative expenditures, including those associated with the preparation of the state strategy. Moreover, after the total grant increased dramatically in FY90, the Bureau of Justice Assistance began to request in its annual *Program Guidance* that states



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

confine their administrative expenditures to 5% of the total. Nevertheless, the 10% cap retains statutory force.

Figure 15. Actual and Recommended State Expenditures for Program Administration, by Year, FY89-FY94

Figure 15, which depicts administrative expenses for all years in the study period, including those for which data are partial,¹⁸ shows that in the aggregate, states consistently used less than the statutory 10% cap on administrative expenses in every year from FY89-FY91. In FY90, administrative expenditures were significantly lower than even the 5% voluntary limit suggested by BJA and, in FY91, states exceeded the 5% mark only by a very small amount. Though future reporting to BJA will undoubtedly

¹⁸ As of March, 1995, the IPRS contained the administrative expenditure records from 28 states for FY92, 22 states for FY93, and 12 states for FY94. This does not mean, of course, that the other states had no administrative expenditures for the years in question. It simply means that their expenditures had not yet been recorded. However, to avoid distortion, the review is limited to FY89-FY91.

increasing the amounts of funds reported as administrative in 1992-1994, we do not expect states to deviate much, if at all, from the 5% guideline level achieved in the early 1990's.

Local Pass-Through

The local pass-through requirement is designed to insure that states include localities in activities funded by the formula grant by "passing through" a minimum percentage of grant funds to local governments.¹⁹ Pass-through rates are calculated separately for each state, and are defined as the ratio of all locally-funded criminal justice expenditures in a state to the total of all (state plus local) criminal justice spending in that state. The data for the calculation are derived from Bureau of Justice Statistics' information. Because of differences in the organization of state criminal justice systems, pass-through rates vary from state to state. Pass-through requirements are also periodically recalculated so that changes over time within a state can be taken into account. Of course, states retain the option to award more than the pass-through amount to local governments in any given year.

During the period FY89-FY93 (FY94 is omitted due to lag time in reporting), the fifty states were required to pass through a minimum of \$979 million to local governments, or approximately 45% of all grant funds. Figure 16 shows that from FY89-FY92, the states taken together slightly exceeded the minimum pass-through requirement. For FY93, states have reported slightly fewer pass-through dollars than required, but the amount left to be reported (approximately \$50 million) is likely to include sufficient pass-through grants to meet the requirement.

¹⁹ The District of Columbia and the five territories that participate in the program are exempt from the pass-through requirement; they are therefore omitted from the balance of the analysis in this section.

The IPR database shows that only 25 states fulfilled the pass-through requirement in every year from FY89-FY92 (omitting FY93 and FY94 due to incomplete reporting).²⁰ It appears that in the aggregate figures, the excess pass-through dollars reported by 50% of the states compensate for the apparent deficiency in pass-through by the other 50%. Our view, based on spot checks of the data base and conversations with individual states, is that this seeming deficiency is actually a product of reporting anomalies, rather than to actual under-allocations to local government. Bureau of Justice Assistance examinations of state pass-through confirm this interpretation.

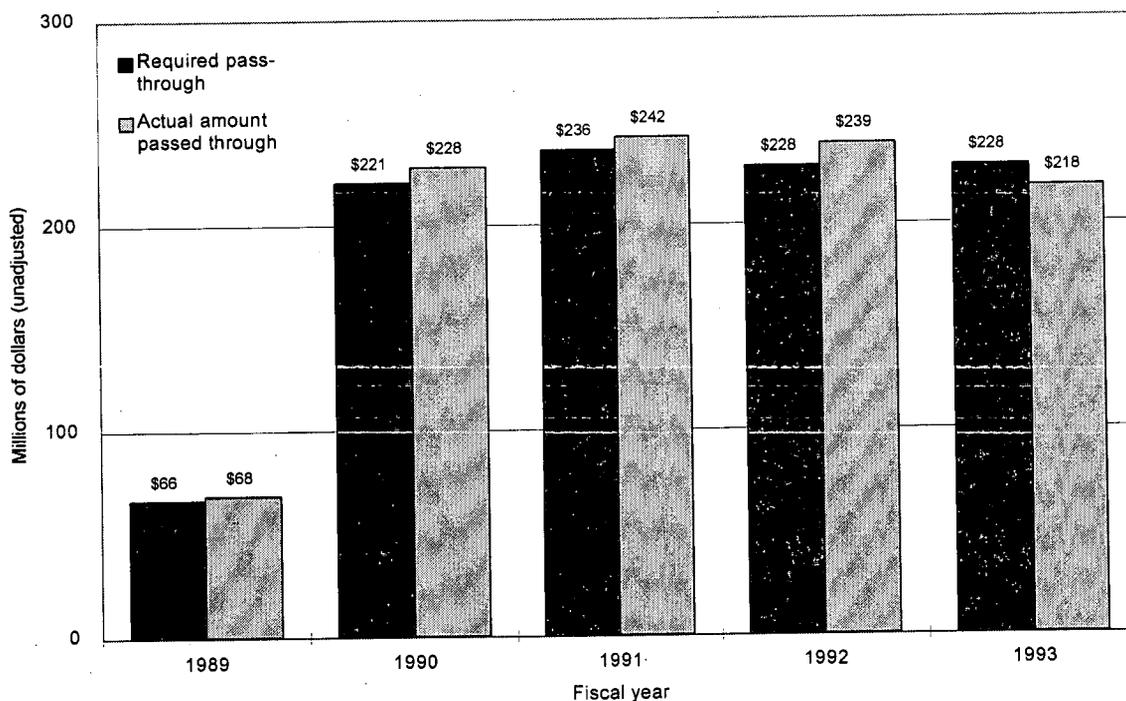
Distribution of Funds Among Levels of Government

As we note above, the pass-through requirement does not constrain state decision-making about the distribution of funds among various types of local governments. Just as states are given wide discretion to determine the purposes for which grant funds should be used, they also are permitted to choose what types of agencies should use them. This section explores these choices.

²⁰ One possibility might be that states compensate for low grants one year with high ones in the next. However, if one compares four-year total reported pass-through to the pass-through required for the same period, the number of states in compliance is only 26.

In the IPR data base, recipient jurisdictions are assigned to one of four jurisdictional designations: *State*, *County*, *City/Town*, and *Other* types of local jurisdictions. In this analysis, we separate grants to the state administering agency for program administration (see above) from subgrants for actual programs made to state operating agencies. We also combine grants to *Other* local agencies with grants to cities and towns. And, finally, we report multi-jurisdictional task force awards as a separate category.

The main reason for this decision is that multi-jurisdictional task forces often combine the forces of different governmental levels (e.g. city police departments, county sheriffs, district prosecutors, state narcotics agencies). Though states are able to flag multi-jurisdictional awards, the IPR forms only accommodate the name of the “lead agency” for the task force. In some situations, the “lead agency” is not the primary



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

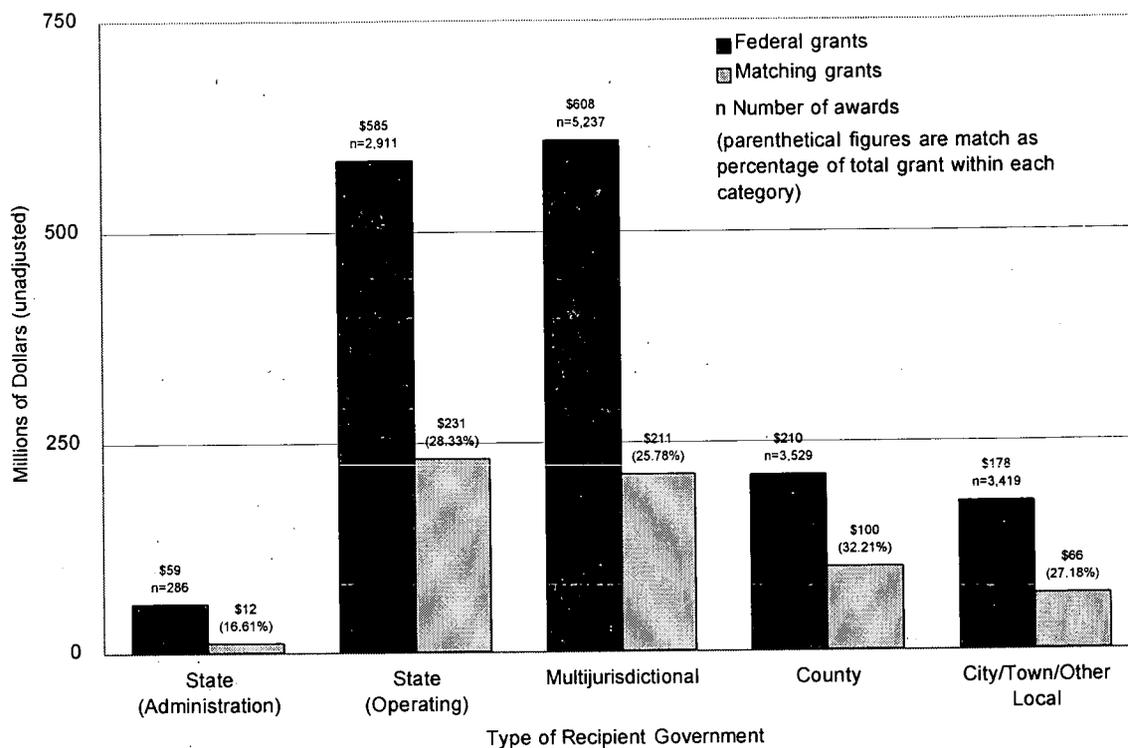
Figure 16. Actual and Required Pass-Through Grants to Local Agencies, 50 States Only, by Year, FY89-FY93

operational agency, but simply serves as the contact agency for the state and a conduit through which funds pass to other participants. In this event, assigning the subgrant to the governmental level of the lead agency would be misleading. We therefore report "multijurisdictional" in this phase of the analysis as a separate category.²¹

Based on these categorizations, Figure 17 shows the distribution of funds across levels of government for the period FY89-FY93. The figure omits both the District of Columbia and the five territories, as well as all funds reported for FY94, due to partial reporting. As expected, the figure shows that the bulk of Byrne sub-grants are for multijurisdictional awards. A close second are awards made to state operating agencies. Far fewer funds are granted to programs that operate exclusively at the county and city levels, though federal dollars subgranted to counties outnumber dollars subgranted to cities by approximately 18%.

The average subgrant to a state operating agency is considerably larger than the average multijurisdictional subgrant, which is in turn larger than the average county or city subgrant.

²¹ However, because virtually all multi-jurisdictional task forces that we have considered in any detail operate primarily at the local level, we have assumed for the purposes of calculating pass-through that they count as a passed-through award.



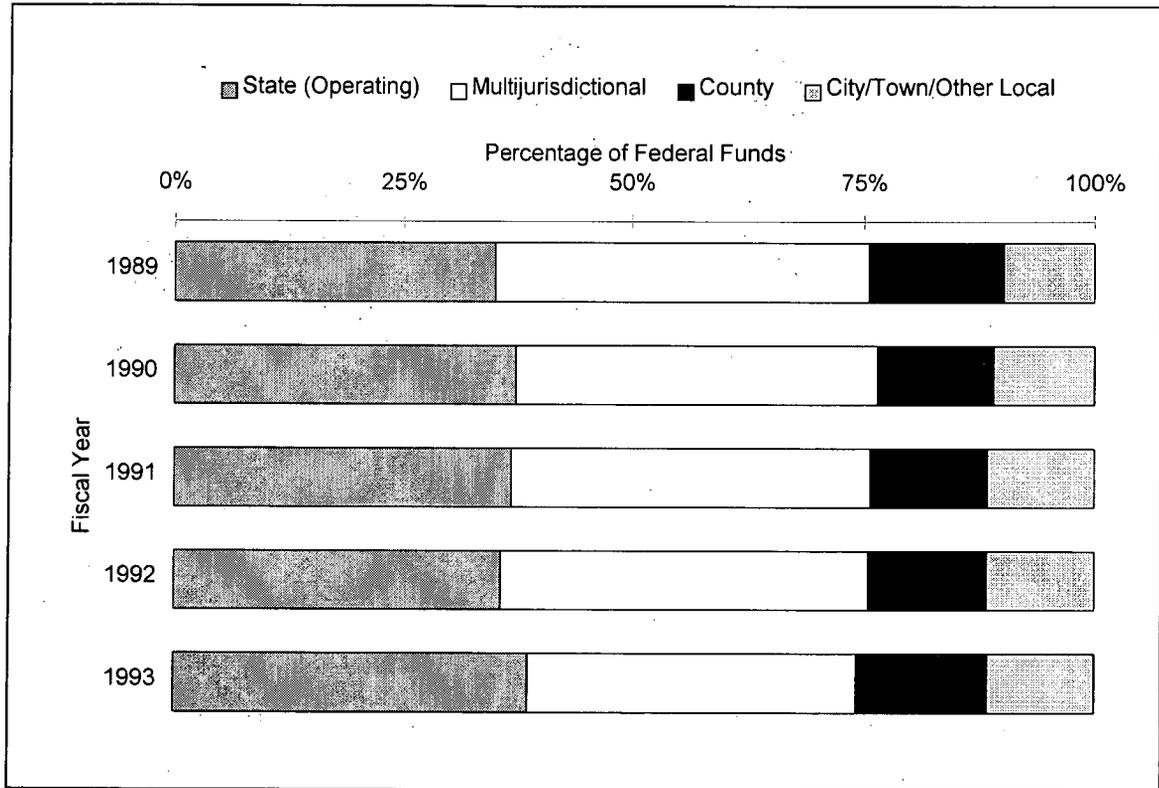
Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 17. Distribution of Subgrant Funds by Type of Recipient Government, 50 States Only, FY89-FY93

Figure 17 also shows the allocation of matching funds across levels of government. States and localities are required to provide matching funds in the amount of 25% of total project expenses. The figure shows that in the aggregate, there appears to be no tendency to require grants at one level of government to provide additional match in order to compensate for deficiencies in other levels. The only type of grant for which aggregate match is deficient are the grants made for program administration.

If state administrative and operating grants are aggregated, however, state agency programs are matched with state funds at a rate of 27.39%.

Figure 18 addresses the question of whether allocations among levels of



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

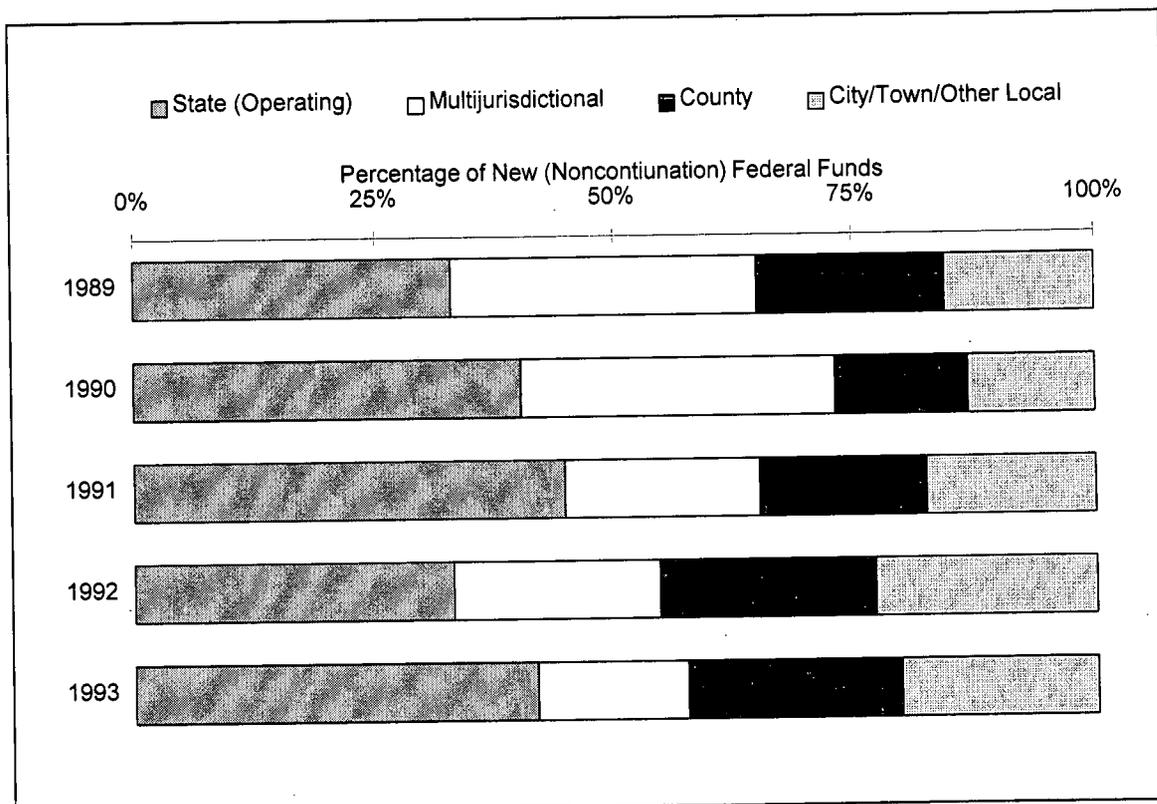
Figure 18. Distribution of Nonadministrative Subgrant Funds by Type of Recipient Government, 50 States Only, by Year, FY89-FY93

government have changed over time. State administrative expenses are excluded as well as awards to the District of Columbia and the five territories. The total grant for each year is normalized so that changes in percentage allocations can be easily compared.

Figure 18 shows that the allocation of subgrants across levels of government has been extremely stable since 1989. State agencies have received 37% of operating grants,

multijurisdictional programs 38%, and county- and city-based efforts 13% and 11% respectively.²²

Such stability is consistent with the generally conservative nature of state strategies discussed above. However, the distribution of operating grants for new (noncontinuation) awards has varied from year to year. The patterns are shown in Figure



Source: Bureau of Justice Assistance Individual Project Report (IPR) database, as of March 1995

Figure 19. Distribution of New (Noncontinuation) Nonadministrative Subgrant Funds by Type of Recipient Government, 50 States Only, by Year, FY89-FY93

19, again with each year's grant normalized to facilitate percentage comparisons. Figure 19 shows that, since FY90, states have been decreasing the funding allocated to *new* multijurisdictional efforts. This is of course consistent with the stability in the total

²² Total does not add to 100% due to rounding.

number of multi-jurisdictional task forces that was noted above. Neither state nor individual local agencies have been consistent beneficiaries of the decline in new multijurisdictional awards; the proportion of new grants going to either type of agency has varied from year to year.

6 Summary of findings

States' decisions regarding how to allocate Byrne funds shape the impact and direction of the Byrne program. This report has described several key features of those subgrant decisions.

State subgrant awards show broad compliance with the federal limitations on their discretion. The states have allocated roughly 5% of Byrne funds for program administration, a figure far below the 10% statutory cap on such expenditures. The states have also met or slightly exceeded the requirements governing the provision of state and local matching funds.

Within this pattern of compliance, states in the aggregate have chosen to employ a multi-year and relatively conservative approach to subgrant funding. From the federal perspective, the Byrne grant operates on a fiscal year calendar: Congress appropriates funds in the summer or early fall, and states must then submit an annual state strategy to the federal government that contains a plan for the disbursement of their award. This provides the opportunity of making new awards every 12 months. To a large extent, however, states have opted to provide multi-year funding to most subgrantees. One result of this approach, especially since FY90, is that state strategies for the use of Byrne funds have been relatively stable, with funding priorities changing only incrementally.²³

The primary direction of these strategies is defined by an overwhelming state emphasis on multijurisdictional task forces as a drug and crime control technique. As of March 1995, states had allocated \$738.4 million, or approximately 40%, of all subgrant funds to multijurisdictional task force programs. Some states have chosen to use almost

²³ This raises questions about the value of *annual* strategic planning. Since states have relatively stable funding patterns from year to year, a less frequent planning cycle might well produce similar results while simultaneously diminishing the administrative and bureaucratic burden of the program. This issue is addressed in the separate summary report - *The National Assessment of the Byrne Formula Grant Program*.

all of their Byrne program budget to support task forces. States have shown a strong secondary interest in a small number of additional types of programs, especially in the areas of corrections and drug testing and information systems.

Most states do not include substantial funds for drug education and treatment in their Byrne subgrant decisions; this appears to stem from a commitment to law enforcement approaches combined with the existence of parallel federal block grants (Department of Education, and the Department of Health and Human Services) that also support activities in these areas. Nevertheless, a few states have elevated treatment and prevention into pillars of their strategic approach under the Byrne program.

Given the increases that occurred in the total level of Byrne funding available between FY89 and FY93, states have been able to explore some innovative programs while still meeting their commitments to fund existing projects over several years. In FY89, new (i.e. noncontinuation) money was primarily being directed into multijurisdictional task forces, which were not yet fully established. By FY93, however, the primary focus of innovation had shifted from task forces to drug testing and information systems development, which received 23% of all new, noncontinuation grants in FY93. However, new task forces were not entirely abandoned; they received 10% of the funds given to first-time subgrantees. More recent subgrant decisions also show a growing interest in community policing efforts, where the dollar budget increased from \$1.4 million in FY89 to \$13.7 million in FY93. Not all of this increase is due to growth in the Byrne program. The change represents more than a doubling of the annual proportion of Byrne funds allocated to community policing activities over this period.

States continue to emphasize the participation of local governments in Byrne program activity. In the aggregate, states have exceeded the federal requirements for "pass-through" of funds to locally-run subgrant initiatives. As would be expected, the primary recipients of such "pass-through" funds have been multijurisdictional task forces. States have also made a large number of subgrant awards for programs run by individual localities, but these programs tend to be much smaller in size than either task force initiatives or programs implemented at the state agency level. Thus, while subgrants to

individual local agencies for nonmultijurisdictional programs represent 45% of all grant awards, these awards represent only 25% of all Byrne funds.

In conclusion, we reiterate that the analysis presented in this report is intentionally restricted to description. The reader is referred to the report entitled *The National Assessment of the Byrne Formula Grant Program* for interpretation and conclusions.

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